

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

**This motion will be decided by the court commissioner at an upcoming hearing. If you do not appear at the hearing, the Court might make a decision against you without your input. In addition, you may file a written response at least 14 days before the hearing.**

**Check your email.** You will receive information and documents at this email address.

I am  Petitioner  Respondent  Intervenor  
 Petitioner's Attorney  Respondent's Attorney  
 Intervenor's Attorney (Utah Bar #: \_\_\_\_\_)  
 Petitioner's Licensed Paralegal Practitioner  Respondent's Licensed Paralegal Practitioner  
 Intervenor's Licensed Paralegal Practitioner (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of (select one)

- the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
- the Children of (to establish custody, parent-time or child support)
- the Parentage of the Children of (for a paternity case)

\_\_\_\_\_  
(name of Petitioner)

and

\_\_\_\_\_  
(name of Respondent)

\_\_\_\_\_  
Other parties (if any)

**Motion for Temporary Order Due to Deployment - Commissioner**

(Utah Code 78B-20-301 through 311)

**Expedited Hearing Requested**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

1. I am (Choose one.):

petitioner

respondent

intervenor

2. I ask for a temporary order due to deployment because the following people have received notice of deployment: (Choose all that apply.):

petitioner

respondent

3.  I ask for an expedited hearing because one or both parents have not yet been deployed. (Utah Code 78B-20-303).

4.  I ask for a temporary order consistent with the attached Military Parenting Plan.

5.  Only one party is a servicemember. While they are deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

the parent who is not deployed.

the deployed parent will keep some caretaking authority.

\_\_\_\_\_ (Name.)

Both parties are servicemembers.

If petitioner is deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

the parent who is not deployed.

the deployed parent will keep some caretaking authority.

\_\_\_\_\_ (Name.)

If respondent is deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

the parent who is not deployed.

the deployed parent will keep some caretaking authority.

\_\_\_\_\_ (Name.)

If both parties are deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

\_\_\_\_\_ (Name.)

\_\_\_\_\_ (Name.)

6. The people given caretaking authority above will have decision-making authority to:
- Make day-to-day decisions for the children during the time they are caring for the children.
  - Make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other people who have caretaking authority as soon as reasonably possible.

(Choose one.)

**Joint decision-making.**

The people given caretaking authority above will share responsibility for making major decisions about the children. If there is a disagreement, the people given caretaking authority will resolve the dispute as provided in the resolving disputes section below.

Other details about joint decision-making:

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**Specified decision-making.**

The following people given caretaking authority will make decisions about:

Education

\_\_\_\_\_ (Name.)

\_\_\_\_\_ (Name.)

Health care

\_\_\_\_\_ (Name.)

\_\_\_\_\_ (Name.)

Religious upbringing

\_\_\_\_\_ (Name.)

\_\_\_\_\_ (Name.)

Extracurricular activities

\_\_\_\_\_ (Name.)

[ ] \_\_\_\_\_ (Name.)

Travel

[ ] \_\_\_\_\_ (Name.)

[ ] \_\_\_\_\_ (Name.)

Other:

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**7. Visitation for nonparents**

The nonparents listed below will have visitation with the children as follows:

Full name of person	Schedule

**8. Resolving disputes**

If the people given caretaking authority need to resolve a dispute about the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for the children.

If the people given caretaking authority are unable to agree, they will participate in the following before bringing the issue to the court (Choose all that apply.):

[ ] mediation

[ ] arbitration

[ ] counseling

[ ] Other agreements about resolving disputes:

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**9. Contact with the deployed parent**

There will be contact with the children and the deployed parent.

\_\_\_\_\_ (Name)  
will arrange for the contact. Contact will be as follows:

Frequency (For example, daily, weekly)	
Duration (For example, 20 minutes, 1 hour)	
Method (For example, email, Skype)	

10. **Contact when deployed parent is on leave or is otherwise available**

When the deployed parent is on leave or is otherwise available, contact with the children will be as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **Child support modification**

I ask the court to modify the existing child support order based on the parties' incomes or estimate of income based on ability or work history.

(Note: Both parties are required to submit income verification to the court prior to the hearing.)

- a. Petitioner's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

This income is from these sources:

\_\_\_\_\_  
\_\_\_\_\_.

The court should consider petitioner's income to be \$\_\_\_\_\_ based on (Choose one.):

minimum wage.

historical earnings.

Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$\_\_\_\_\_ (Utah Code 78B-12-203).

This income is from these sources:

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The court should consider respondent's income to be \$\_\_\_\_\_ based on (Choose one.):

minimum wage.

historical earnings.

Respondent does receive or has received public assistance.

c. Order  petitioner  respondent to pay \$\_\_\_\_\_ per month for child support to \_\_\_\_\_ (name). The following child support worksheet is filed or attached (Choose one.):

sole physical custody worksheet

joint physical custody worksheet

split custody worksheet

(Choose one.)

This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

the guidelines are unjust.

the guidelines are inappropriate.

the guidelines amount is not in the best interest of the children.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

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d. Effective date (Choose one.):

The child support is effective upon entry of this order.

**OR**

The child support is effective on: \_\_\_\_\_ (date).

e. Child support will be paid as follows (Choose one.):

Mandatory income withholding by the Office of Recovery Services.  
Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

**OR**

Direct payments to the parent receiving child support by:

Check

Deposit in bank account

Cashier's check or money order

Other: \_\_\_\_\_

I ask for direct payment because (Utah Code 62A-11-404):

\_\_\_\_\_  
\_\_\_\_\_

f. I ask that child support payments be made (Choose one.):

One-half by the 5th day of each month, and one-half by the 20th day of each month.

**OR**

Other payment arrangement:

\_\_\_\_\_

g. Child support not paid by the due date is past due on the day after the due date.

h. Past-due child support may be decided by future court or administrative action. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to past-due child support.

12.  I have attached the following documents in support of this motion:

\_\_\_\_\_  
\_\_\_\_\_

13. Any order entered under this motion terminates:

- immediately upon return of the deployed parent
- 30 days after the deployed parent gives notice of the return from deployment
- other: \_\_\_\_\_

**Petitioner, Respondent or Intervenor**

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: [utcourts.gov/motions](https://utcourts.gov/motions)



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### Finding help

The court's Finding Legal Help web page ([utcourts.gov/help](https://utcourts.gov/help)) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



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### Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios: [utcourts.gov/motions-span](https://utcourts.gov/motions-span)



Para acceder esta página escanee el código QR

### Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal ([utcourts.gov/help-span](https://utcourts.gov/help-span)) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



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### Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Temporary Order Due to Deployment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

\_\_\_\_\_ Signature ► \_\_\_\_\_  
 Date \_\_\_\_\_ Printed Name \_\_\_\_\_